

# United States Court of Appeals For the First Circuit

No. 05-1050  
DC No. 04-40103

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JOSEPH MARION HEAD, JR.

Petitioner - Appellant

v.

UNITED STATES; DAVID L. WINN; STATE OF NORTH CAROLINA

Respondents - Appellees

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**Order Of The Court**  
**Entered: March 8, 2005**

On November 30, 2005, the district court denied appellant's request to proceed on appeal in forma pauperis for failure to file a prison trust account statement.

Appellant's Affidavit to Accompany Motion for Leave to Proceed in Forma Pauperis, with attached prison trust account information, is construed as a motion to proceed on appeal in forma pauperis. We transmit the request to the district court for action in the first instance pursuant to Fed. R. App. P. 24(a)(1). Copies of the district court's ruling shall be forwarded to this court. The district court, if it denies the motion, is requested to state its reasons in writing. Fed. R. App. P. 24(a)(2). If defendant-appellant is not granted in forma pauperis status by the district court, he may file a motion to proceed in forma pauperis in this court, provided that he do so in accordance with Fed. R. App. P. 24(a)(5).

By the Court:

Richard Cushing Donovan, Clerk

By: **MARGARET CARTER**  
\_\_\_\_\_  
Chief Deputy Clerk

CERTIFIED COPY  
I HEREBY CERTIFY THIS DOCUMENT  
IS A TRUE AND CORRECT COPY OF  
THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By: J. Pedicini Date: 3-8-05

[certified copies to: Hon. Richard Stearns and William Ruane, Acting Clerk]  
[cc: Michael J. Sullivan, Esq., Roy Cooper, Esq. and Joseph Marion Head, Jr.]